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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,690	09/07/2006	Wlodzimierz Macke	037068.56795US	9591

23911 7590 08/06/2008
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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

MAIL DATE	DELIVERY MODE
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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,690	Applicant(s) MACKE ET AL.	
	Examiner Melody M. Burch	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/19/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 13-22, 24, and 27-30 are objected to because of the following informalities: the phrase "the securing element" should be changed to --the at least one securing element-- to maintain consistency. Appropriate correction is required.
3. Claim 25 is objected to because of the following informalities: the phrase "the securing clip" lacks proper antecedent basis in the claim.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 21 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "the outer end side" in the last line of the claims is indefinite. It is unclear to the Examiner as to which outer end side Applicant intends to refer to. Clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4385680 to DuCharme et al. in view of JP-2001254767 (JP'767).

Re: claims 12-20 and 22-29. DuCharme et al. show in figure 1 a disc brake for use with a brake disc 40, comprising: a caliper 32 which extends over the brake disc and is attachable to a brake carrier 12 or 14 so as to be axially displaceable with respect to the brake disc; two attachment elements 70,78, one 78 of said two attachment elements being a fixed bearing and another 70 being a loose bearing having a sliding bushing 84, the sliding bushing being inserted into a bore in the caliper, the bore shown in the area of the end of the lead line of number 84 having an internal and/or external contour deviating from a circular shape; a guide bar 30 is guided in the sliding bushing.

DuCharme et al. are silent with regards to the limitation wherein the sliding bushing of the loose bearing is provided with at least one securing element, the at least one securing element being inserted into a recess of the bore such that it secures the sliding bushing which was mounted in a precisely positioned fashion.

JP'767 teaches in figure 4 the limitation of a sliding bushing being provided with at least one securing element 6, the at least one securing element being inserted into a recess of the bore such that it secures the sliding bushing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the sliding bushing of DuCharme et al. to have

included at least one securing element, as taught by JP'767, in order to provide a means of securely retaining a guide bar to ensure proper function of the disc brake.

Re: claims 21 and 30. Examiner notes that the at least one slit is shown between elements 6c shown in figure 4 of JP'767.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 5931267 to Iwata et al., 6926124 to Matsuzaki, and JP-52022665 teach the use of disc brakes with a caliper having one loose and one fixed bearing. US Patents 3841446 to Gravel Jr. and 5012902 to Moody et al. teach the use of a securing element being used to secure a pin within a caliper bore.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb

August 3, 2008

/Melody M. Burch/

Primary Examiner, Art Unit 3683